



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Pang et al.

Serial No. : 09/025,635

Filed : February 18, 1998

For : DNA CONSTRUCT TO CONFER
MULTIPLE TRAITS ON PLANTS

Examiner:
Zaghmout

Art Unit:
1649

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the October 5, 1999, written restriction requirement, applicants hereby elect Group III (i.e. claims 1, 19, and 46-81) with traverse. However, applicants submit that this restriction requirement does not meet the standards of 35 U.S.C. § 121 and, therefore, should be withdrawn. In particular, with respect to Groups I to VI, each of these inventions includes the subject matter of claim 1. It is, therefore, not understood how these groups can be separate and distinct. Applicants submit that there is no benefit derived from maintaining the restriction requirement with regard to Groups I to VI in that election of any one of these groups requires that a search for the subject matter of claim 1 be conducted. Moreover, consideration of the patentability of claim 1 would not be proper without consideration of the subject matter of all the inventions of Groups I to VI. Since there is no benefit in maintaining the present restriction requirement, applicants submit that it should be withdrawn.

Respectfully submitted,

Date: December 6, 1999



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.	
Date 12/6/99	Wendy L. Harrold